

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE

Call to Order: Chair Krayton Kerns, on February 10, 2011 at 3:00 PM, in Room 472
Capitol

ROLL CALL

Members Present:

Rep. Krayton Kerns, Chair (R)
Rep. Joanne G. Blyton (R)
Rep. Christy Clark (R)
Rep. Steve Fitzpatrick (R)
Rep. Alan Hale (R)
Rep. Brian Hoven (R)
Rep. David Howard (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Jonathan McNiven (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Lee Randall (R)
Rep. Joe Read (R)
Rep. Sterling Small (R)
Rep. Frank Smith (D)
Rep. Kathleen Williams (D)

Members Excused: Rep. Timothy Furey, Vice Chair (D)

Members Absent: Rep. Bob Wagner, Vice Chair (R)
Rep. Edith (Edie) McClafferty (D)
Rep. Pat Noonan (D)
Rep. Lila Walter Evans (R)
Rep. Daniel R. Salomon (R)

Staff Present: Dave Bohyer, Legislative Branch
Lauren Head, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 390, 2/7/2011; HB 407, 2/7/2011

Executive Action: HB 413, HB 331, HB 133

HEARING ON HB 390

Opening Statement by Sponsor:

00:01:19 Rep. Margaret (Margie) MacDonald (D), HD 54, opened the hearing on HB 390, Require inspection for dog breeding facilities.

00:03:53 Vice Chair Wagner joined the meeting.

00:04:46 Rep. Salomon joined the meeting.

Proponents' Testimony:

00:05:42 Wendy Hergenraeder, State Director, Humane Society of the United States

[EXHIBIT\(agh33a01\)](#)

[EXHIBIT\(agh33a02\)](#)

[EXHIBIT\(agh33a03\)](#)

00:10:49 Dr. Amy Lamm, Veterinarian, Vet-to-go Inc.

[EXHIBIT\(agh33a04\)](#)

00:13:34 Christina Rodgers, self

00:14:55 Carla Cary Van Sicken, self

[EXHIBIT\(agh33a05\)](#)

00:18:05 Mark Murphy, Montana County Attorneys Association (MCAA)

00:20:47 Rep. Noonan joined the meeting.

00:20:58 Rep. McClafferty joined the meeting.

00:21:40 Stuart Doggett, Montana Veterinary Medical Association (MTVMA)

00:22:46 Ed Bartlett, Yellowstone County Commissioners, City of Billings

[EXHIBIT\(agh33a06\)](#)

00:24:20 Gina Wiest, Executive Director, Lewis and Clark Humane Society (LCHS)

[EXHIBIT\(agh33a07\)](#)

[EXHIBIT\(agh33a08\)](#)

00:26:43 Dave Pauli, Montana Animal Care Association (MACA)

Opponents' Testimony:

00:28:36 Janet Kosnik, self

00:30:20 Tim Ravndall, self

00:32:40 Margaret Duezabou, self

Informational Testimony:

00:36:28 Christian MacKay, Department of Livestock

Questions from Committee Members and Responses:

00:37:00 Rep. Howard
00:37:22 Mr. Murphy
00:38:11 Rep. Howard
00:38:26 Mr. Murphy
00:39:16 Vice Chair Wagner
00:39:44 Mr. MacKay
00:40:12 Vice Chair Wagner
00:41:29 Mr. MacKay
00:41:35 Vice Chair Wagner
00:41:50 Rep. Williams
00:42:21 Mr. MacKay
00:42:53 Rep. Williams
00:43:18 Mr. MacKay
00:45:15 Rep. Fitzpatrick
00:46:03 Rep. MacDonald
00:47:13 Rep. Fitzpatrick
00:47:31 Rep. MacDonald
00:48:27 Rep. Fitzpatrick
00:48:55 Mr. Murphy
00:49:51 Rep. Fitzpatrick
00:50:04 Mr. Murphy
00:50:42 Rep. Randall
00:51:11 Rep. Clark left the meeting.
00:51:17 Ms. Hergenraeder
00:51:30 Rep. Randall
00:51:33 Ms. Hergenraeder
00:51:35 Rep. Randall
00:51:37 Ms. Hergenraeder
00:51:43 Rep. McNiven
00:52:22 Mr. Murphy
00:53:21 Rep. McNiven
00:53:27 Mr. Murphy
00:53:37 Rep. McNiven
00:53:44 Rep. Randall left the meeting.
00:53:49 Mr. Murphy
00:54:08 Rep. McNiven
00:54:18 Mr. Murphy
00:54:49 Rep. McNiven
00:56:06 Rep. MacDonald
00:57:59 Rep. McNiven
00:58:41 Rep. Clark rejoined the meeting.
00:58:50 Rep. Randall rejoined the meeting.
00:59:24 Mr. MacKay
00:59:52 Rep. Evans joined the meeting.
01:00:13 Rep. Hoven
01:00:26 Ms. Kosnik
01:00:32 Rep. Hoven
01:00:34 Ms. Kosnik

01:00:57 Rep. Hoven
 01:01:03 Ms. Kosnik
 01:01:23 Rep. Hoven
 01:01:36 Ms. Kosnik
 01:02:13 Rep. Salomon
 01:03:00 Rep. MacDonald
 01:03:54 Rep. Howard
 01:04:13 Rep. Small left the meeting.
 01:04:34 Mr. MacKay
 01:05:18 Rep. Howard
 01:06:17 Mr. MacKay
 01:06:56 Rep. McNiven
 01:07:51 Ms. Hergenraeder
 01:07:54 Rep. McNiven
 01:08:14 Ms. Hergenraeder
 01:08:37 Rep. McNiven
 01:08:59 Ms. Hergenraeder
[EXHIBIT\(agh33a09\)](#)
 01:09:14 Mr. Pauli

Closing by Sponsor:

01:09:47 Rep. MacDonald

HEARING ON HB 407

Opening Statement by Sponsor:

01:11:55 Rep. Robyn Driscoll (D), HD 51, opened the hearing on HB 407, Define potentially dangerous and dangerous dog, provide exemptions, penalties.
 01:13:32 Rep. Hale left the meeting.
 01:14:30 Rep. Small rejoined the meeting.
 01:15:06 Rep. Howard left the meeting.

Proponents' Testimony:

01:16:22 Dave Pauli, MACA
[EXHIBIT\(agh33a10\)](#)
 01:20:12 Gina Wiest, LCHS
 01:20:49 Vice Chair Wagner left the meeting.
 01:22:14 Doug Ruebke, self
[EXHIBIT\(agh33a11\)](#)
 01:25:24 Ed Bartlett, Yellowstone County Commissioners, City of Billings
 01:26:31 Wendy Hergenraeder, Humane Society of the United States
[EXHIBIT\(agh33a12\)](#)

Opponents' Testimony:

01:28:50 Margaret Duezabou, self
 01:30:28 Greg Van Horssen, State Farm Insurance Agency
 01:33:01 Vice Chair Wagner rejoined the meeting.
 01:35:06 Vice Chair Wagner left the meeting.
 01:35:21 Bruce Spencer, PCI

Informational Testimony:

01:37:43 John MacDonald, City of Missoula

Questions from Committee Members and Responses:

01:39:47 Rep. Hoven
 01:40:06 Mr. Van Horssen

Closing by Sponsor:

01:40:41 Rep. Driscoll
 01:42:36 Rep. Wagner rejoined the meeting
 01:42:45 Rep. MacDonald

EXECUTIVE ACTION ON HB 413

01:44:28 **Motion:** Rep. Wagner moved that **HB 413 DO PASS.**

Discussion:

01:44:49 Chairman Kerns
 01:45:47 Rep. Williams
 01:46:41 Rep. Hoven
 01:47:09 Rep. Read
 01:47:41 Rep. Clark
 01:48:37 Rep. Howard
 01:49:24 Rep. Hoven
 01:50:02 Rep. Hale
 01:50:38 Rep. Smith
 01:51:05 Vice Chair Wagner
 01:53:28 Rep. Fitzpatrick
 01:54:33 Rep. McNiven
 01:55:20 Rep. Fitzpatrick
 01:57:25 Rep. McNiven

01:57:48 **Vote:** Motion failed 10-10 by roll call vote with Rep. Blyton, Rep. Clark, Rep. Hale, Rep. Howard, Rep. Kerns, Rep. Randall, Rep. Read, Rep. Salomon, Rep. Small and Rep. Smith voting aye.

01:59:43 **Motion/Vote:** Rep. Wagner moved that **HB 413 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 331

02:00:06 **Motion:** Rep. Howard moved that **HB 331 DO PASS**.

02:01:01 **Motion:** Rep. Howard moved that **HB 331 BE AMENDED**.
[**EXHIBIT**](#)(agh33a13)

Discussion:

02:01:12 Rep. Howard

02:02:07 Rep. Williams

02:02:16 Rep. Howard

02:02:30 **Vote:** Motion carried unanimously by voice vote.

02:02:39 **Motion:** Rep. Howard moved that **HB 331 DO PASS AS AMENDED**.

Discussion:

02:02:47 Rep. Smith

02:03:07 Rep. Howard

02:03:18 Vice Chair Wagner

02:05:04 Chairman Kerns

02:06:39 **Motion:** Rep. McNiven moved that **HB 331 BE AMENDED**.
[**EXHIBIT**](#)(agh33a14)

Discussion:

02:07:27 Rep. McNiven

02:08:30 Dave Bohyer, Legislative Services Division (LSD)

02:08:51 Rep. McNiven

02:09:58 Rep. Howard

02:11:22 Rep. Randall

02:11:47 Vice Chair Wagner

02:12:33 Rep. Randall

02:12:42 Vice Chair Wagner

02:13:22 Rep. Randall

02:13:39 Rep. Blyton

02:14:06 **Vote:** Motion failed 4-16 by roll call vote with Rep. Kerns, Rep. McNiven, Rep. Pease-Lopez and Rep. Wagner voting aye.

02:15:47 Rep. Clark

02:16:25 Rep. Blyton

02:16:45 Rep. McNiven

02:17:03 Rep. Randall

02:17:48 **Vote:** Motion carried 17-3 by roll call vote with Rep. Kerns, Rep. MacDonald and Rep. Wagner voting no.

EXECUTIVE ACTION ON HB 133

Executive Action continued from meeting on February 1, 2011, where the bill was previously amended.

02:19:00 **Motion:** Rep. Wagner moved that **HB 133 DO PASS AS AMENDED.**

Discussion:

02:19:17 Rep. Salomon
02:20:25 Chairman Kerns
02:20:28 Rep. Salomon
02:21:24 Rep. Noonan left the meeting.
02:21:33 Rep. Evans
02:21:44 Rep. Salomon
02:21:53 Court Jensen, Attorney, Department of Agriculture
02:22:39 Rep. Hoven
02:23:12 Mr. Jensen
02:24:15 Rep. Randall
02:24:21 Rep. Pease-Lopez left the meeting.
02:25:14 Rep. Salomon
02:25:17 Rep. Randall
02:25:22 Rep. Salomon
02:25:36 Rep. Randall
02:25:40 Rep. Salomon
02:25:42 Rep. Randall
02:25:52 Rep. Salomon
02:26:15 Rep. Randall
02:26:31 Rep. Salomon
02:27:14 Rep. Randall
02:28:08 Rep. Pease-Lopez rejoined the meeting.
02:28:13 Rep. Blyton
02:28:47 Rep. Salomon
02:28:54 Mr. Jensen
02:29:32 Rep. MacDonald
02:30:03 Rep. McNiven
02:30:57 Rep. Evans

02:31:33 **Vote:** Motion carried 15-6 by roll call vote with Rep. Evans, Rep. Fitzpatrick, Rep. Hale, Rep. Kerns, Rep. McClafferty and Rep. Smith voting no. Rep. Furey and Rep. Noonan voted by proxy.

ADJOURNMENT

02:33:27 Adjournment

Lauren Head, Secretary

lh

ADJOURNMENT

Adjournment:

Lauren Head, Secretary

lh

Additional Documents:

EXHIBIT([agh33aad.pdf](#))